

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.2187 OF 2007
IN
FIRST APPEAL NO.2249 OF 2006

Mrs.Lorna W/o James Samuel : Applicant.

v/s.

Shri Cyril Fernandes and ors. : Respondents.

Mr.Manoj Chatge for the applicant.

None for the respondents.

CORAM : A.V.MOHTA, J.

DATED : AUGUST 30, 2007.

P.C.

1. Heard Mr.Manoj Chatge, learned advocate appearing for the applicant/original Respondent No.1 in First Appeal. None appears for Respondents/Original Appellants in First Appeal. By an order dated 5th December 2006 this Court continued ad-interim relief granted earlier as pursuant to order dated 20th September 2006 on

appellant's depositing Rs.Two lacs in this Court.

2. By this application, the Applicant/Original Respondent No.1 is seeking permission to withdraw the amount of Rs.Two lacs pursuant to the impugned judgment and decree passed in her favour.

3. Considering the averments made and in view of the fact that this was an amount paid by Applicant/Original Respondent No.1 towards purchase price of the property in question, I am of the view that at this stage of the proceedings, the applicant is entitled to withdraw the amount of Rs.Two lacs, however, subject to her furnishing bank guarantee before the Prothonotary and Senior Master of this Court. Civil Application is disposed of accordingly.

4. Learned advocate Mr.J.M.Puranik, appearing for the respondent/original appellant, mentioned this matter at 3.00 p.m. I have heard him at length. Order maintain.

[A.V.MOHTA, J.]